IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1589 of 2005

Between:

Gunja Nagender, S/o.Venkataswamy,
R/o.Huzurnagar Village & Mandal, Nalgonda District.

..... PETITIONER

AND

The Deputy Commissioner of Prohibition and Excise, Mahaboobnagar.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus, to declare the action of the respondent in not returning the deposit amount of Rs.45,000/- along with accrued interest from the date of deposit to till dated inspite of closure of the C.C.No.186/2001 dt. 30-7-2002 on the file of the Judicial First class Magistrate, Huzurnagar, pursuant to my representation dt. 10-12-2004, as illegal, arbitrary, unconstitutional and contrary to Law and consequently direct the respondent herein to return the said amount along with interest.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following :

ORDER:

Learned counsel for the petitioner submits that the petitioner came to know that the Commissioner of Excise has confirmed the order of confiscation on 06.11.2003 and in that view of the matter, a different kind of relief has to be claimed by the petitioner. He seeks permission of this Court to withdraw the writ petition, duly reserving the liberty to the petitioner to work out his remedies.

Permission is accorded. The writ petition is dismissed as withdrawn, leaving it open to the petitioner to work out his remedies. There shall be no order as to costs.

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17.02.2005

Jsu
To

1 The Deputy Commissioner of Prohibition and Excise, Mahaboobnagar.

2 2 CCs to the G.P. for Prohibition and Excise, High Court Buildings, Hyderabad. (OUT)

3 2 CD copies